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10/755,032	01/09/2004	Hideo Ikeno	CANO:112	7881

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ROSSI, KIMMS & McDOWELL LLP.
20609 Gordon Park Square, Suite 150
Ashburn, VA 20147

EXAMINER	
MEJIA, ANTHONY	
ART UNIT	PAPER NUMBER
2451	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail@rkmlegalgroup.com

Office Action Summary	Application No.	Applicant(s)	
	10/755,032	IKENO, HIDEO	
	Examiner	Art Unit	
	ANTHONY MEJIA	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04/26/2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,9-11,17 and 19-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,9-11,17 and 19-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Japanese Application No. 2003-005155, filed on **10 January 2003**.

Response to Amendment

2. Acknowledgement is made that Claims 1-3, 9-11, 17, and 19-24 have been amended. Claims 4-8, 12-16, and 18 have been canceled.

3. Amendment to Claims 1-3, 9-11, 17, and 19-22 in response to examiner's Claims objection has been considered. The amendment obviates previously raised objection, as such this objection hereby withdrawn.

Response to Arguments

4. Applicant's arguments at pages 10-12 of Remarks dated **26 April 2010** regarding the rejection of Claims 1-2, 9-10, 17, 19-22, and 23-24 under 35 U.S.C. 103(a) have been fully considered but are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendments to the claims which significantly affected the scope thereof.

Examiner's Comments

5. To help expedite prosecution, it has been noted by the examiner, that if Applicant further amends Claim 23 to explicitly state in lines 15-18: "…wherein said processing unit starts the updating at ~~either one of~~ **a** first timing when said first modules does not start in accordance with the description of the install script, second timing when said first modules are caused to stop, third timing when said first module finishes executing, ***and*** fourth timing when said monitoring apparatus has just restarted, as discussed in page 35, lines 16-25 of written description, the independent Claim 23 would be allowable over the prior art of record.

6. To help expedite prosecution, it has been noted by the examiner, that if Applicant further amends Claim 24 to explicitly state in lines 15-18: "…wherein said processing step starts the updating at ~~either one of~~ **a** first timing when said first modules does not start in accordance with the description of the install script, second timing when said first modules are caused to stop, third timing when said first module finishes executing, ***and*** fourth timing when said monitoring apparatus has just restarted, as discussed in page 35, lines 16-25 of written description, the independent Claim 24 would be allowable over the prior art of record.

Claim Objections

7. Claim 1, 9, 17, 19, 21, and 23-24 are objected to because of the following informalities: For instance, Claim 1, in lines 24-25 currently recites: "…so that the management apparatus enables to determine whether or not the first modules in

operation is updated." appears to be grammatically incorrect. For the purposes of expediting prosecution, examiner will read the claim limitation as follows: "…so that the management apparatus **is** enable**d** to determine whether or not the first modules in operation ~~is~~ **are** updated." Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-2, 9-10, 17, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull (US 7,146,412) in further view of Inamori et al. (US 2001/0042102) (referred herein after as Inamori) and in further view Harris et al. (US 7,707,571) (referred here in after Harris).

Regarding Claim 1, Turnbull teaches a monitoring apparatus (host computer 108) for acquiring information by communication from at least one image forming apparatus (computing device 102(2)) to be monitored and communicating with a management apparatus (server 110) (col.4, lines 55-58, col.5, lines 61-67, and col.6, lines 1-2), the monitoring apparatus comprising:

an e-mail unit (e-mail application program) that carries out communication with the management apparatus by e-mail (col.5, lines 28-36, and col.7, lines 62-67);

a processing unit (CPU 336) operable when the second modules are received (current firmware), to automatically update the first modules in operation to the second modules (upgraded firmware) (col.5, lines 36-51, and col.7, lines 30-33 and lines 62-67);

an information unit (upgrade applet 318) that to collects version information on the first modules when said unit has received a version information acquisition request from the management apparatus by e-mail (col.7, lines 62-67, and col.8, lines 10-13); and

a returning unit (e-mail application program) that sends the version information collected by said information collecting unit to the management apparatus by return e-mail (col.5, lines 28-36, col.7, lines 62-67, and col.8, lines 31-38 and 54-64.

Turnbull does not explicitly teach the steps wherein:

a receiving unit that receives an update instruction e-mail containing second modules and an install script thereof;

a processing unit activates the install script contained in the update instruction e-mail containing the second modules and an install script;

corresponding to description of the install script, so that the management apparatus enables the first modules of the monitoring apparatus to update to the second modules with the update instruction e-mail; nor

wherein said processing unit activates the install script contained in the update instruction e-mail received by said receiving unit, and to update the first modules in operation to the second modules contained in the update instruction e-mail received by said receiving unit.

However, Inamori in a similar field of endeavor discloses a contents delivery system including the steps wherein:

a receiving unit that receives an update instruction e-mail containing second modules and an install script thereof (pars [0071-0074], [0086-0089]);

a processing unit activates the install script contained in the update instruction e-mail containing the second modules and an install script (pars [0071-0074], [0086-0089]);

corresponding to description of the install script, so that the management apparatus enables the first modules of the monitoring apparatus to update to the second modules with the update instruction e-mail (pars [0071-0074], [0086-0089]); nor

wherein a processing unit is configured to activate the install script contained in the update instruction e-mail received by said receiving unit, and to update first modules in operation to the second modules contained in the update instruction e-mail received by said receiving unit (pars [0071-0074], [0086-0089]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made in order to enable the management apparatus to automatically update the first modules and deliver the second modules with no specific process required by the monitoring apparatus. One of ordinary skill in the art at the time the

invention was made would have been motivated to combine the teachings of Turnbull and Inamori to economically and simultaneously deliver the second modules to the monitoring apparatus with existing infrastructures (pars [0006-0011]).

The combined teachings of Turnbull and Inamori do not explicitly teach the step wherein the management apparatus enables to determine whether or not the first modules in operation is updated.

However, Harris in a similar field of endeavor discloses a software sitribution system including the step of wherein a management apparatus enables to determine whether or not the first modules in operation is updated (col.4, lines 63-67 and col.5, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Harris in the combined teachings of Turnbull and Inamori in order to properly determine if the modules have been successfully updated. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull/Inamori/Harris to minimize the time and resources needed to service existing software on clients with the most up-to-date software versions.

Regarding Claim 2, the combined teachings of Turnbull/Inamori/O'Neill further teach wherein:

said receiving unit also receives an acquisition request e-mail requesting acquisition of the version information indicative of versions of respective ones of the first

modules in the monitoring apparatus and a version of the monitoring apparatus as a whole (Turnbull: col.7, lines 60-67, and col.8, lines 10-13),

said information collecting unit collects the version information in response to the acquisition request e- mail received by said receiving unit (Turnbull: col.8, lines 10-13), and said returning unit sends the version information collected by said information collecting unit to the management apparatus by return e-mail (Turnbull: col.8, lines 31-38, and 54-64).

Regarding Claim 9, Turnbull teaches a control method executed by a monitoring apparatus (host computer 108) capable of acquiring information by communication from at least one image forming apparatus (computing device 102(2)) to be monitored, and communicating with a management apparatus (server 110) (col.4, lines 55-58, col.5, lines 61-67, and col.6, lines 1-2), the method comprising:

a communication step of carrying out communication with the management apparatus by e-mail (col.5, lines 28-36, and col.7, lines 62-67);

a processing step of automatically updating the first modules (current firmware) on which the monitoring apparatus operates, in operation to the second modules (col.5, lines 36-51, and col.7, lines 30-33 and lines 62-67) the second modules (upgraded firmware) (col.5, lines 36-51, col.7, lines 30-34 and lines 62-67, and col.8, lines 58-60);

an information collecting step of collecting version information on the first modules when a version information acquisition request is received from the

management apparatus by e-mail in said communication step (col.7, lines 62-67, and col.8, lines 10-13); and

a returning step of sending the version information collected in said information collecting step to the management apparatus by return mail (col.5, lines 28-36, col.7, lines 62-67, and col.8, lines 31-38 and lines 54-64)

Turnbull does not explicitly teach wherein:

a receiving step of receiving an update instruction e-mail containing second modules for updating first modules, on which the monitoring apparatus operates, and install script thereof;

wherein the processing step activates the install script contained in the update instruction e-mail containing the second modules and an install script;

corresponding to description of the install script, so that management apparatus enables the first modules of the monitoring apparatus to update to the second modules with the update instruction e-mail; nor

wherein said processing step to activate the install script contained in the update instruction e-mail received by said receiving step, and to update the first modules in operation to the second modules contained in the update instruction e-mail received by said receiving step.

However, Inamori in a similar field of endeavor discloses a contents delivery system including the steps:

a receiving step of receiving an update instruction e-mail containing second modules for updating first modules, on which the monitoring apparatus operates, and install script thereof (pars [0071-0074], [0086-0089]);

wherein a processing step activates the install script contained in the update instruction e-mail containing the second modules and an install script (pars [0071-0074], [0086-0089]);

corresponding to description of the install script, so that management apparatus enables the first modules of the monitoring apparatus to update to the second modules with the update instruction e-mail (pars [0071-0074], [0086-0089]); and

wherein said processing step to activate the install script contained in the update instruction e-mail received by said receiving step, and to update the first modules in operation to the second modules contained in the update instruction e-mail received by said receiving step (pars [0071-0074], [0086-0089]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made in order to enable the management apparatus to automatically update the first modules and deliver the second modules with no specific process required by the monitoring apparatus. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull and Inamori to economically and simultaneously deliver the second modules to the monitoring apparatus with existing infrastructures (pars [0006-0011]).

The combined teachings of Turnbull and Inamori do not explicitly teach the returning step the management apparatus enables to determine whether or not the first modules in operation is updated.

However, Harris in a similar field of endeavor discloses a software sitribution system including the step of wherein a management apparatus enables to determine whether or not the first modules in operation is updated (col.4, lines 63-67 and col.5, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Harris in the combined teachings of Turnbull and Inamori in order to properly determine if the modules have been successfully updated. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull/Inamori/Harris to minimize the time and resources needed to service existing software on clients with the most up-to-date software versions.

Regarding Claim 10, Turnbull teaches a control method according to claim 9 as discussed above. Turnbull further teaches wherein the method further comprises:

a receiving step of receiving an update instruction e-mail containing at least the second modules and an install script, and an acquisition request e-mail requesting acquisition of the version information indicative of versions of respective ones of the modules in the monitoring apparatus and a version of the monitoring apparatus as a whole (col.7, lines 60-67, and col.8, lines 10-13);

said processing step comprises activating the install script contained in the update instruction e-mail received in said receiving step, and updating the first modules in operation to the second modules contained in the update instruction e-mail received in said receiving step, and said information collecting step comprises collecting the version information in response to the acquisition request e-mail received in said receiving step, and said returning step comprises sending the version information collected in said information collecting step to the management apparatus by return e-mail (col.5, lines 39-42, col.7, lines 30-33, and col.8, lines 31-38, and lines 54-64).

Regarding Claim 17, Turnbull teaches a non-transitory medium storing a computer program for executing a control method implemented by a monitoring apparatus (host computer 108) capable of acquiring information by communication from at least one image forming apparatus (computing device 102(2)) to be monitored, and communicating with a management apparatus (server 110) (col.6, lines 12-17, and lines 39-56), the method comprising:

a communication step of carrying out communication with the management apparatus by e-mail (col.5, lines 28-36, and col.7, lines 62-67);

a processing step of automatically updating first modules (current firmware) on which the monitoring apparatus operates, in operation to the second modules for updating the first modules when second modules (upgraded firmware) for updating the modules is received from the management apparatus by e-mail in said communication step (col.5, lines 36-51, col.7, lines 30-34 and lines 62-67, and col.8, lines 58-60),

an information collecting step of collecting version information on the first modules when a version information acquisition request is received from the management apparatus by e-mail in said communication step (col.7, lines 62-67, and col.8, lines 10-13); and

a returning step of sending the version information collected in said information collecting step to the management apparatus by return mail (col.5, lines 28-36, col.7, lines 62-67, and col.8, lines 31-38 and lines 54-64).

Turnbull does not explicitly teach wherein:

a receiving step of receiving an update instruction e-mail containing second modules for updating first modules, on which the monitoring apparatus operates, and install script thereof;

wherein the processing step activates the install script contained in the update instruction e-mail containing the second modules and an install script;

corresponding to description of the install script, so that management apparatus enables the first modules of the monitoring apparatus to update to the second modules with the update instruction e-mail; nor

wherein said processing step to activate the install script contained in the update instruction e-mail received by said receiving step, and to update the first modules in operation to the second modules contained in the update instruction e-mail received by said receiving step.

However, Inamori in a similar field of endeavor discloses a contents delivery system including the steps:

a receiving step of receiving an update instruction e-mail containing second modules for updating first modules, on which the monitoring apparatus operates, and install script thereof (pars [0071-0074], [0086-0089]);

wherein the processing step activates the install script contained in the update instruction e-mail containing the second modules and an install script (pars [0071-0074], [0086-0089]);

corresponding to description of the install script, so that management apparatus enables the first modules of the monitoring apparatus to update to the second modules with the update instruction e-mail (pars [0071-0074], [0086-0089]); and

wherein said processing step to activate the install script contained in the update instruction e-mail received by said receiving step, and to update the first modules in operation to the second modules contained in the update instruction e-mail received by said receiving step (pars [0071-0074], [0086-0089]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made in order to enable the management apparatus to automatically update the first modules and deliver the second modules with no specific process required by the monitoring apparatus. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull and Inamori to economically and simultaneously deliver the second modules to the monitoring apparatus with existing infrastructures (pars [0006-0011]).

The combined teachings of Turnbull and Inamori do not explicitly teach the returning step the management apparatus enables to determine whether or not the first modules in operation is updated.

However, Harris in a similar field of endeavor discloses a software sitribution system including the step of wherein a management apparatus enables to determine whether or not the first modules in operation is updated (col.4, lines 63-67 and col.5, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Harris in the combined teachings of Turnbull and Inamori in order to properly determine if the modules have been successfully updated. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull/Inamori/Harris to minimize the time and resources needed to service existing software on clients with the most up-to-date software versions.

Regarding Claim 19, Turnbull teaches a monitoring apparatus (host computer 108) capable of acquiring information by communication from at least one image forming apparatus (computing device 102(2)) to be monitored and communicating with a management apparatus (server 110) (col.5, lines 61-67, and col.6, lines 1-2), the monitoring apparatus comprising:

an e-mail unit that carries out communication with the management apparatus by email (col.5, lines 28-36 and col.7, lines 62-67);

a processing unit operable when said receiving unit has received an update instruction e-mail containing the second modules, and the install script, to automatically update the first modules in operation to the second modules corresponding to description of the install script (col.5, lines 36-51, col.7, lines 30-33 and lines 62-67);

an information collecting unit that collects version information on the first modules when said e-mail unit has received an acquisition request e-mail that requests acquisition of the version information on the first modules from the management apparatus by e- mail (col.7, lines 62-67 and col.8, lines 10-13); and

a returning unit that sends the version information collected by said information collecting unit to the management apparatus by return e-mail (col.5, lines 28-36, col.7, lines 62-67, col.8, lines 31-38, and lines 54-64);

Turnbull does not explicitly teach wherein:

a receiving unit that receives an update instruction e-mail containing second modules and an install script thereof;

a processing unit activates the install script contained in the update instruction e-mail containing the second modules and an install script;

corresponding to description of the install script, so that the management apparatus enables the first modules of the monitoring apparatus to update to the second modules with the update instruction e-mail; nor

wherein said processing unit activates the install script contained in the update instruction e-mail received by said receiving unit, and to update the first modules in

operation to the second modules contained in the update instruction e-mail received by said receiving unit.

However, Inamori in a similar field of endeavor discloses a contents delivery system including the steps wherein:

a receiving unit that receives an update instruction e-mail containing second modules and an install script thereof (pars [0071-0074], [0086-0089]);

a processing unit activates the install script contained in the update instruction e-mail containing the second modules and an install script (pars [0071-0074], [0086-0089]); and

corresponding to description of the install script, so that the management apparatus enables the first modules of the monitoring apparatus to update to the second modules with the update instruction e-mail (pars [0071-0074], [0086-0089]); nor

wherein a processing unit is configured to activate the install script contained in the update instruction e-mail received by said receiving unit, and to update first modules in operation to the second modules contained in the update instruction e-mail received by said receiving unit (pars [0071-0074], [0086-0089]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made in order to enable the management apparatus to automatically update the first modules and deliver the second modules with no specific process required by the monitoring apparatus. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull

and Inamori to economically and simultaneously deliver the second modules to the monitoring apparatus with existing infrastructures (pars [0006-0011]).

The combined teachings of Turnbull and Inamori do not explicitly teach the step wherein the management apparatus enables to determine whether or not the first modules in operation is updated.

However, Harris in a similar field of endeavor discloses a software sitribution system including the step of wherein a management apparatus enables to determine whether or not the first modules in operation is updated (col.4, lines 63-67 and col.5, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Harris in the combined teachings of Turnbull and Inamori in order to properly determine if the modules have been successfully updated. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull/Inamori/Harris to minimize the time and resources needed to service existing software on clients with the most up-to-date software versions.

In further, the combined teachings of Turnbull/Inamori/Harris teach the step wherein the install script includes at least one or more commands which are executable in an operating system including said processing unit in the monitoring apparatus (Turnbull: col.7, lines 30-34, and lines 63-67).

Regarding Claim 20, Turnbull further teaches wherein the acquisition request e-mail requests acquisition of the version information indicative of versions of respective ones of the first modules in the monitoring apparatus and a version of the monitoring apparatus as a whole (col.7, lines 60-67, and col.8, lines 10-13).

Regarding Claim 21, Turnbull teaches a control method executed by a monitoring apparatus (host computer 108) capable of acquiring information by communication from at least one image forming apparatus (computing device 102(2)) to be monitored, and communicating with a management apparatus (server 110) (col.5, lines 61-67, and col.6, lines 1-2), the method comprising:

a communication step of carrying out communication with the management apparatus by e-mail (col.5, lines 28-36, and col.7, lines 62-67);

a processing step of automatically updating the first modules (current firmware) on which the monitoring apparatus operates, in operation to the second modules (col.5, lines 36-51, and col.7, lines 30-33 and lines 62-67) the second modules (upgraded firmware) (col.5, lines 36-51, col.7, lines 30-34 and lines 62-67, and col.8, lines 58-60);

an information collecting step of collecting version information on the first modules when a version information acquisition request is received from the management apparatus by e-mail in said communication step (col.7, lines 62-67, and col.8, lines 10-13); and

a returning step of sending the version information collected in said information collecting step to the management apparatus by return mail (col.5, lines 28-36, col.7, lines 62-67, and col.8, lines 31-38 and lines 54-64)

Turnbull does not explicitly teach wherein:

a receiving step of receiving an update instruction e-mail containing second modules for updating first modules, on which the monitoring apparatus operates, and install script thereof;

wherein the processing step activates the install script contained in the update instruction e-mail containing the second modules and an install script;

corresponding to description of the install script, so that management apparatus enables the first modules of the monitoring apparatus to update to the second modules with the update instruction e-mail; nor

wherein said processing step to activate the install script contained in the update instruction e-mail received by said receiving step, and to update the first modules in operation to the second modules contained in the update instruction e-mail received by said receiving step.

However, Inamori in a similar field of endeavor discloses a contents delivery system including the steps:

a receiving step of receiving an update instruction e-mail containing second modules for updating first modules, on which the monitoring apparatus operates, and install script thereof (pars [0071-0074], [0086-0089]);

wherein a processing step activates the install script contained in the update instruction e-mail containing the second modules and an install script (pars [0071-0074], [0086-0089]);

corresponding to description of the install script, so that management apparatus enables the first modules of the monitoring apparatus to update to the second modules with the update instruction e-mail (pars [0071-0074], [0086-0089]); and

wherein said processing step to activate the install script contained in the update instruction e-mail received by said receiving step, and to update the first modules in operation to the second modules contained in the update instruction e-mail received by said receiving step (pars [0071-0074], [0086-0089]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made in order to enable the management apparatus to automatically update the first modules and deliver the second modules with no specific process required by the monitoring apparatus. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull and Inamori to economically and simultaneously deliver the second modules to the monitoring apparatus with existing infrastructures (pars [0006-0011]).

The combined teachings of Turnbull and Inamori do not explicitly teach the returning step the management apparatus enables to determine whether or not the first modules in operation is updated.

However, Harris in a similar field of endeavor discloses a software sitribution system including the step of wherein a management apparatus enables to determine

whether or not the first modules in operation is updated (col.4, lines 63-67 and col.5, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Harris in the combined teachings of Turnbull and Inamori in order to properly determine if the modules have been successfully updated. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull/Inamori/Harris to minimize the time and resources needed to service existing software on clients with the most up-to-date software versions.

In further, the combined teachings of Turnbull/Inamori/Harris teach the step wherein the install script includes at least one or more commands which are executable in an operating system including said processing unit in the monitoring apparatus (Turnbull: col.7, lines 30-34, and lines 63-67).

Regarding Claim 22, Turnbull teaches a control method according to claim 21 as discussed above. Turnbull further teaches wherein the acquisition request e-mail requests acquisition of the version information indicative of versions of respective ones of the first modules in the monitoring apparatus and a version of the monitoring apparatus as a whole (col.7, lines 60-67, and col.8, lines 10-13).

10. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull in further view of Inamori in further view of Harris and in further view of Loughran et al (US 2002/0129107) (referred herein after as Loughran).

Regarding Claim 3, The combined teachings of Turnbull/Inamori/Harris teach a monitoring apparatus according to claim 1 as discussed above.

The combined teachings of Turnbull/Inamori/Harris do not explicitly teach wherein the monitoring apparatus further comprises a decoding unit configured to decode contents of an e-mail received by said e-mail unit, and wherein said unit is configured to interpret an instruction from the management apparatus from the contents of the received e-mail decoded by said decoding unit, and to perform processing according to the interpreted contents of the e-mail.

However, Loughran in a similar field of endeavor discloses a method and apparatus for automatic content handling including wherein the monitoring apparatus (email server 10) further comprises a decoding unit (email server 10) configured to decode contents of an e-mail received by said e-mail unit, and wherein said unit is configured to interpret an instruction from the management apparatus from the contents of the received e-mail decoded by said decoding unit, and to perform processing according to the interpreted contents of the e-mail (pars [0009], [0025-0026], [0037], and [0046]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Turnbull/Inamori/Harris with the

teachings of Loughran in order to automatically interpret the contents of an e-mail with out user intervention. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull/Inamori/Harris and Loughran to help make upgrades more accessible and require less effort from the users of the apparatuses (Turnbull: col.1, lines 65-67, and col.2, lines 1-53).

Regarding Claim 11, this control method claim comprises limitation(s) substantially the same, as those discussed on claim 3 above, same rationale of rejection is applicable.

11. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull in further view of Harris in further view of Inamori and in further view of Dull, III et al. (US 7,458,074) (referred hereinafter as Dull).

Regarding Claim 23, Turnbull teaches a monitoring apparatus for acquiring information by communication from at least one image forming apparatus to be monitored and communicating with a management apparatus, the monitoring apparatus comprising:

an e-mail unit that carries out communicating with the management apparatus by e-mail (col.5, lines 28-36, and col.7, lines 62-67);

a processing unit (CPU 336) operable when said receiving unit has received an update instruction e-mail for updating first modules (current firmware) (col.5, lines 36-51, and col.7, lines 30-33 and lines 62-67);

an information collecting unit that collects version information on the first modules when said e-mail step has received a version information acquisition request from the management apparatus by e-mail (col.5, lines 36-51, and col.7, lines 30-33 and lines 62-67); and

a returning unit that sends the version information collected by said information collecting unit to the management apparatus by return e-mail (col.5, lines 36-51, and col.7, lines 30-33 and lines 62-67).

Turnbull does not explicitly teach the steps of:

a receiving unit that receives an update instruction e-mail containing second modules and an install script thereof;

wherein the update instruction e-mail contains second modules and an install script from the management apparatus, to automatically update the first modules in operation to the second modules corresponding to description of the install script;

the processing unit activates the install script contained in the update instruction e-mail containing the second modules and an install script; and

wherein an update instruction e-mail contains second modules and an install script from the management apparatus, to automatically update the first modules in operation to the second modules corresponding to description of the install script.

However, Inamori in a similar field of endeavor discloses a contents delivery system including the steps wherein:

a receiving unit that receives an update instruction e-mail containing second modules and an install script thereof (pars [0071-0074], [0086-0089]);

wherein the update instruction e-mail contains second modules and an install script from the management apparatus, to automatically update the first modules in operation to the second modules corresponding to description of the install script, (pars [0071-0074], [0086-0089]);

a receiving unit that receives an update instruction e-mail containing second modules and an install script thereof (pars [0071-0074], [0086-0089]);

a processing unit activates the install script contained in the update instruction e-mail containing the second modules and an install script (pars [0071-0074], [0086-0089]); and

wherein an update instruction e-mail contains second modules and an install script from the management apparatus, to automatically update the first modules in operation to the second modules corresponding to description of the install script (pars [0071-0074], [0086-0089]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made in order to enable the management apparatus to automatically update the first modules and deliver the second modules with no specific process required by the monitoring apparatus. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull

and Inamori to economically and simultaneously deliver the second modules to the monitoring apparatus with existing infrastructures (pars [0006-0011]).

The combined teachings of Turnbull and Inamori do not explicitly teach the step wherein the management apparatus enables to determine with the return e-mail whether or not the first modules in operation is updated.

However, Harris in a similar field of endeavor discloses a software sitribution system including the step of wherein a management apparatus enables to determine whether or not the first modules in operation is updated (col.4, lines 63-67 and col.5, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Harris in the combined teachings of Turnbull and Inamori in order to properly determine if the modules have been successfully updated. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull/Inamori/Harris to minimize the time and resources needed to service existing software on clients with the most up-to-date software versions.

In further, the combined teachings of Turnbull/Inamori/Harris do not explicitly teach the steps of:

wherein said processing unit starts the updating at either one of first timing when said first modules does not start in accordance with the description of the install script, second timing when said first modules are caused to stop, third timing when said first

module finishes executing, ***or*** fourth timing when said monitoring apparatus has just restarted.

However, Dull in a similar field of endeavor discloses a method and apparatus for installing and upgrading an application in a computer system including wherein processing unit starts the updating at either one of first timing when first modules does not start in accordance with a description of an install script, second timing when said first modules are caused to stop, third timing when said first modules finishes executing, or fourth timing when said monitoring apparatus has just restarted (e.g., upgrade objects include a start time field and end time field, col.3, lines 65-67, col.4, lines 37-45, 51-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Dull in the combined teachings of Turnbull/Inamori/Harris in order to configure when the management apparatus desires the monitoring apparatus to upgrade the first modules. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull/Inamori/Harris/Dull to simplify the method of installing and upgrading software on a computer system (Dull: col.1, lines 29-67).

Regarding Claim 24, Turnbull teaches a control method executed by a monitoring apparatus (host computer 108) capable of acquiring information by communication from at least one image forming apparatus (computing device 102(2)) to be monitored, and

communicating with a management apparatus (server 110) (col.5, lines 61-67, and col.6, lines 1-2), the method comprising:

an e-mail step of carrying out communication with the management apparatus by e-mail (col.5, lines 28-36, and col.7, lines 62-67);

a processing step of automatically updating the first modules (current firmware) on which the monitoring apparatus operates, in operation to the second modules (col.5, lines 36-51, and col.7, lines 30-33 and lines 62-67) the second modules (upgraded firmware) (col.5, lines 36-51, col.7, lines 30-34 and lines 62-67, and col.8, lines 58-60);

an information collecting step of collecting version information on the first modules when a version information acquisition request is received from the management apparatus by e-mail in said communication step (col.7, lines 62-67, and col.8, lines 10-13); and

a returning step of sending the version information collected in said information collecting step to the management apparatus by return mail (col.5, lines 28-36, col.7, lines 62-67, and col.8, lines 31-38 and lines 54-64)

Turnbull does not explicitly teach wherein:

a receiving step of receiving an update instruction e-mail containing second modules for updating first modules, on which the monitoring apparatus operates, and install script thereof;

wherein the processing step activates the install script contained in the update instruction e-mail containing the second modules and an install script;

corresponding to description of the install script, so that management apparatus enables the first modules of the monitoring apparatus to update to the second modules with the update instruction e-mail; nor

wherein said processing step to activate the install script contained in the update instruction e-mail received by said receiving step, and to update the first modules in operation to the second modules contained in the update instruction e-mail received by said receiving step.

However, Inamori in a similar field of endeavor discloses a contents delivery system including the steps:

a receiving step of receiving an update instruction e-mail containing second modules for updating first modules, on which the monitoring apparatus operates, and install script thereof (pars [0071-0074], [0086-0089]);

wherein a processing step activates the install script contained in the update instruction e-mail containing the second modules and an install script (pars [0071-0074], [0086-0089]);

corresponding to description of the install script, so that management apparatus enables the first modules of the monitoring apparatus to update to the second modules with the update instruction e-mail (pars [0071-0074], [0086-0089]); and

wherein said processing step to activate the install script contained in the update instruction e-mail received by said receiving step, and to update the first modules in operation to the second modules contained in the update instruction e-mail received by said receiving step (pars [0071-0074], [0086-0089]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made in order to enable the management apparatus to automatically update the first modules and deliver the second modules with no specific process required by the monitoring apparatus. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull and Inamori to economically and simultaneously deliver the second modules to the monitoring apparatus with existing infrastructures (pars [0006-0011]).

The combined teachings of Turnbull and Inamori do not explicitly teach the step wherein the management apparatus enables to determine with the return e-mail whether or not the first modules in operation is updated.

However, Harris in a similar field of endeavor discloses a software sitribution system including the step of wherein a management apparatus enables to determine whether or not the first modules in operation is updated (col.4, lines 63-67 and col.5, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Harris in the combined teachings of Turnbull and Inamori in order to properly determine if the modules have been successfully updated. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull/Inamori/Harris to minimize the time and resources needed to service existing software on clients with the most up-to-date software versions.

In further, the combined teachings of Turnbull/Inamori/Harris do not explicitly teach the steps of:

wherein said processing unit starts the updating at either one of first timing when said first modules does not start in accordance with the description of the install script, second timing when said first modules are caused to stop, third timing when said first module finishes executing, ***or*** fourth timing when said monitoring apparatus has just restarted.

However, Dull in a similar field of endeavor discloses a method and apparatus for installing and upgrading an application in a computer system including wherein processing unit starts the updating at either one of first timing when first modules does not start in accordance with a description of an install script, second timing when said first modules are caused to stop, third timing when said first modules finishes executing, or fourth timing when said monitoring apparatus has just restarted (e.g., upgrade objects include a start time field and end time field, col.3, lines 65-67, col.4, lines 37-45, 51-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Dull in the combined teachings of Turnbull/Inamori/Harris in order to configure when the management apparatus desires the monitoring apparatus to upgrade the first modules. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Turnbull/Inamori/Harris/Dull to simplify the method of installing and upgrading software on a computer system (Dull: col.1, lines 29-67).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Examiner has cited particular paragraphs, columns, and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY MEJIA whose telephone number is (571)270-3630. The examiner can normally be reached on Mon-Thur 9:30AM-8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451

/A.M./
Patent Examiner, Art Unit 2451